

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
September 13, 2011

In the Matter of D. M. SCHUPBACK, Minor.

No. 302740
Midland Circuit Court
Family Division
LC No. 07-003107-NA

Before: M. J. KELLY, P.J., and OWENS and BORRELLO, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating his parental rights to the minor child under MCL 712A.19b(3)(g) and (j). The child's mother released her parental rights and is not a party to this appeal. Because we conclude that there were no errors warranting relief, we affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth under MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the best interest of the child. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999). This Court reviews the trial court's findings in terminating parental rights for clear error. MCR 3.977(K); *In re Trejo*, 462 Mich 341, 355-357; 612 NW2d 407 (2000).

The trial court did not clearly err in finding that MCL 712A.19b(3)(g) had been proven by clear and convincing evidence. Given respondent's failure to obtain independent housing or employment and his mental health issues, he would be unable to provide proper care and custody for his son, who was 11 months old when respondent's rights were terminated, within a reasonable time. According to a psychological evaluation, respondent suffers from multiple psychiatric conditions, which increases his risk for substance abuse relapse and exacerbates other problems. Respondent's mental health issues are longstanding and unlikely to change. His stress is so severe that it impairs his ability to parent. Respondent's inaction, inability to handle stress, and lack of commitment to parenting caused delays in this case. Respondent delayed in establishing paternity and did not immediately participate in Baby Court, which provides intensive services, as he had been directed. Although respondent had already been seeing a counselor, had he participated in these services earlier, he would have been able to address parenting issues and would have had additional parenting time. Once visitation was authorized, respondent demonstrated a lack of commitment to his child by attending only seven of 11 available visits. Moreover, although some of the caseworkers were aware that respondent might have an older child, none were informed that the eight-year-old girl and her mother had returned

to Michigan. Respondent has not properly supported, acknowledged, or parented his daughter. Given his history and the treatment of his older child, there is no reasonable expectation that respondent will be able to provide proper care and custody to this child within a reasonable time considering the child's age. MCL 712A.19b(3)(g).

Respondent argues that he was involved in services and making progress on his treatment plan but needed more time. Although respondent was participating in many of the services offered, he did not fully benefit from services to the point where he could safely parent his child. A parent must benefit from the services offered so that he or she can improve parenting skills to the point where the child would no longer be at risk in the parent's custody. *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005). Moreover, respondent's delay in engaging in some of the services and lack of commitment demonstrates that more time would not have made him a suitable parent for the child.

Termination of respondent's parental rights was also proper under MCL 712A.19b(3)(j). A therapist opined that respondent is unable to provide a safe environment for a child, least of all a young child. Respondent's panic attacks, which could come at anytime, affect his ability to safely parent. Respondent argues that he never harmed his young son. This argument downplays the severity of respondent's issues. Although he had never physically harmed his child because he had only limited visitation, the child would be at risk of harm if placed in respondent's care, given the nature of respondent's mental health issues and minimal parenting skills.

Finally, the evidence showed that termination of respondent's parental rights was clearly in the best interests of the child because respondent's mental health issues rendered him incapable of caring for his son or providing the child with the stability he needs. Furthermore, respondent was not employed, had no means to adequately support the child, and did not have independent housing. Respondent had made insufficient progress toward stability. The young child is in need of permanence, and respondent was unlikely to achieve stability within a reasonable time.

There were no errors warranting relief.

Affirmed.

/s/ Michael J. Kelly

/s/ Donald S. Owens

/s/ Stephen L. Borrello